

Gainer v. Navistar International Corporation, Navistar, Inc. and IC Bus of Oklahoma, LLC,
Case No. CJ-2013-02428.

2. The summonses issued to the Defendants were served on or about May 28, 2013. A copy of the state court docket sheet is attached hereto as Exhibit “1”. A copy of the process served on Defendants is attached hereto as Exhibit “2.”

3. Plaintiff filed her original Petition seeking to recover damages for employment discrimination and retaliation in violation of the American with Disabilities Act of 1990, as amended, 42 U.S.C. §12101, *et seq.*; the Family and Medical Leave Act of 1993; the Oklahoma Anti-Discrimination Act of 1964, 25 O.S. §§1101, 1301, *et seq.*; Section 1107 of the Sarbanes-Oxley Act of 2002; the Oklahoma Occupational Health and Safety Standards Act of 1970, 40 O.S. §403, *et seq.*; Oklahoma Medical False Claims Act and Title VII of the Civil Rights Act of 1964 (“Title VII”), 42 U.S.C. §2000e, *et seq.*; and a state law claim for intentional infliction of emotional distress. [Petition, ¶¶6 and 20-61 Exhibit “2”]

4. Pursuant to 28 U.S.C. §1331 and §1441, this Court has original jurisdiction over Plaintiff’s Title VII, FMLA, and ADA claims, which arise under the laws of the United States. This Court further has jurisdiction over Plaintiff’s remaining state law claims pursuant to 28 U.S.C. §1367.

5. This Notice of Removal is being filed within thirty days after receipt of the Petition as required by 28 U.S.C. §1446(b).

6. A copy of this Notice of Removal will be filed with the Clerk of the District Court in and for Tulsa County for the State of Oklahoma and served upon all adverse parties as required by 28 U.S.C. §1446(d).

7. All fees required by law in connection with this Notice have been paid by Defendants.

8. By virtue of this Notice of Removal, Defendants do not waive their right to assert any rights, claims or other motions, including Rule 12 motions, permitted by the Federal Rules of Civil Procedure or other applicable rules or laws.

WHEREFORE, for the above reasons, Defendants hereby give Notice of Removal of the action pending in the District Court of Tulsa County, State of Oklahoma.

Respectfully submitted,

s/Robyn M. Funk

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Attorneys for Defendants, Navistar International Corporation, Navistar, Inc. and IC Bus of Oklahoma, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 17th day of June 2013, I mailed a true and correct copy of the above and foregoing document via U.S. Mail to the following:

D. Mitchell Garrett, Jr.
Amber Peckio Garrett
Garrett Law Center, PLLC
P.O. Box 1349
Tulsa, Oklahoma 74101-1349

s/Robyn M. Funk

Robyn M. Funk